

RESOLUTION NO. 2021-07

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING THE COMMISSION MEETING AND AGENDA PROCEDURES ATTACHED HERETO AS ATTACHMENT "A"; AUTHORIZING THE VILLAGE MANAGER TO DO ALL THINGS NECESSARY IN FURTHERANCE OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 4.01(B) of the Charter of the Village of Biscayne Park ("Village") governs commission meeting procedures and provides that "the Commission shall determine its own rules of procedure and order of business and shall keep minutes open for public inspection"; and

WHEREAS, in accordance with the Charter, and in the interest of ensuring that commission meetings are efficient and orderly, the Village Commission wishes to approve the Commission Meeting and Agenda Procedures attached hereto as Attachment "A" and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, that:

Section 1. Incorporation of Recitals. The foregoing recital paragraphs are hereby ratified and confirmed as being true and the same are hereby made part of this Resolution.

Section 2. Approval of Commission Meeting and Agenda Procedures. The Village Commission of the Village of Biscayne Park hereby approves the Commission Meeting and Agenda Procedures attached hereto as Attachment "A" and incorporated herein by reference

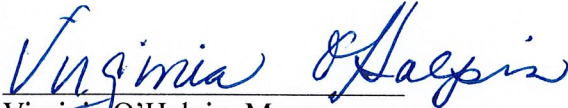
Section 3. Authorization of the Village Manager. The Village Manager is hereby authorized to do all things necessary to effectuate this Resolution.

Section 4. Effective Date. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 2nd day of February, 2021.

The foregoing Resolution was offered at Consent Agenda by Commissioner Samaria, who moved its adoption under Consent Agenda. The motion was seconded by Commissioner Hamelburg, and upon being put to a vote the vote was as follows:

Mayor O'Halpin: Yes
Vice-Mayor Gonzalez: Yes
Commissioner Hamelburg: Yes
Commissioner Kennedy: Yes
Commissioner Samaria: Yes



Virginia O'Halpin, Mayor

Attest:



Roseann Prado, Village Clerk

Approved as to form:

Edward A. Dion, Village Attorney

Commission Meeting and Agenda Procedures

The Village Commission Meeting and Agenda Procedures are hereby updated, amended, and restated as follows:

1. Regular meetings; notice

A. Meetings. The Village Commission shall hold one regular meeting per month on the first Tuesday at 7:00 PM as per Village Code (see section 2-16- Meetings), unless the Commission, by majority vote, elects not to have a regular meeting in the month of July or the month of August for the purposes of allowing summer vacations. Currently, the Village Charter (section 4.01) states (A) Meetings. The Commission shall hold at least eleven (11) regular monthly meetings in each calendar year.

Special meetings may be held on the call of the Mayor or upon the call of four members of the Commission and upon no less than twenty four (24) hours' notice to each member and the public, or such shorter time as a majority of the Commission shall deem necessary in case of an emergency affecting life, health, property or the public peace.

Quasi- judicial matters, as defined in the Code of Ordinances, may be heard at any regular or special meeting of the Commission.

B. Notice. Notice of each regular meeting of the Village Commission shall be published at least four (4) business days prior to such meeting on the Village's website, on conspicuous locations at or in Village Hall, and made in any other manner deemed appropriate by the Village Manager, including, but not limited to, dissemination via email to residents on the Village's email list, and posting on social media platforms for which the Village has an official account.

2. Special meetings

Whenever a special meeting shall be called, a notice in writing signed by the Village Manager or Acting Village Manager shall be served on each member of the Commission either in person, by email or by notice left at his/her place of residence, stating the date and hour of the meeting and the purpose for which the meeting is called.

3. Meetings open to the public

All meetings of the Village Commission shall be open to the public pursuant to the "Government in the Sunshine Law."

4. Agenda

A. *Agenda items.* All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Village Commission shall be delivered to the Village Manager no later than ten (10) business days prior to the scheduled Commission Meeting and shall be accompanied by, or in the form of, a signed memorandum from the party submitting the materials. No additional items shall be added to the agenda after the agenda closing date unless it is deemed to be an emergency as provided below.

All agenda items, including materials in support of the agenda item, are to be submitted to the Village Attorney, the Finance Director, and the Village Planner, if required, for review and submittal of their recommendation to the Village Manager no later than seven business days prior to the scheduled meeting. The final agenda shall be distributed to the members of the Village Commission no later than five (5) business days prior to the Village Commission meeting. Matters of an urgent or emergency nature may be presented to the Commission without strictly complying with these requirements, and such emergency matters shall be heard by the Village Commission if a majority of the Commission approves.

B. *Who may place.* The Mayor, Village Commissioners, Village Manager, and Village Attorney are authorized to place matters on the agenda of the Village Commission Meeting for discussion and/or approval by the Village Commission. Proclamations, awards, and other commendations must be placed on Commission agendas and approved before being presented or awarded to the recipient.

C. *Manager meeting with Commissioners.* The Village Manager shall make available an opportunity for an individual meeting with each member of the Commission prior to each Commission meeting for presentation and discussion of the agenda items.

D. *Order of business; Consent agenda.* The Village Manager shall prepare the order of business. Items which, in the opinion of the Village Manager are non-controversial and may be handled and implemented without necessity for discussion shall be placed on the Consent Agenda. Unless a Commission Member specifically requests that an item be removed from the Consent Agenda, such items shall be approved and adopted by a single motion and either a voice vote or roll call vote. Any item so removed shall be placed at the end of the regular agenda. Any item deemed not to be ready for discussion or approval by the Commission shall be pulled from the Agenda at the Village Commission meeting.

E. *Taking items out of order.* Upon request by the Mayor, a Commissioner or the Manager, items on the agenda may be moved out of sequence during the in order to expedite the matters before the Village Commission, or to assure that items that are related to each other are considered in context. by a single motion and either a voice vote or roll

call vote will be needed to approve taking an item out of order.

5. Presiding Officer

A. *Who may preside.* The Mayor, or in the Mayor's absence, the Vice-Mayor act as the Presiding Officer and shall take the chair at the hour appointed for the meeting and call the Village Commission to order. In the absence of the Mayor and Vice- Mayor, the Village Manager or Acting Village Manager shall call the Commission to order, whereupon an acting chairman shall be elected by the members of the Commission present. Upon the arrival of the Mayor or Vice- Mayor, the acting chairman shall immediately relinquish the chair upon the conclusion of the business immediately pending before the Commission.

Where appropriate, references to the Mayor will be considered references to the Presiding Officer.

B. *Decorum; Questions of order.* The Mayor shall preserve strict order and decorum at all regular and special meetings of the Commission. He or she shall state every question coming before the Commission, announce the decision of the Commission on all subjects and decide all questions of order, subject however to an appeal to the Commission, in which event a majority vote of the Commission shall govern and conclusively determine such question of order.

6. Roll call; quorum

Before proceeding with the business of the Village Commission, the Village Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes. A majority of the Commission shall be necessary to constitute a quorum, but less than a quorum may adjourn or recess to a specified time, pursuant to section 4.01 C. of the Charter.

7. Order of business

A. *Order of Agenda.* Village Commission shall convene on the day and time of each regular meeting, and take up the business of the Commission in the following order unless changed by action of a majority of the Commission. Certain matters may be given a certain time for consideration.

1. Opening Items
 - A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance
2. Additions, Deletions or Withdraws to the Agenda
3. Presentations
 - A. Proclamations and Awards
 - B. Special Presentations to Commission
4. Public Comment
5. Reply to Public Comments by Commission
6. Reports

- A. Village Commission's Report
- B. Village Board Reports
- C. Village Attorney's Report
- D. Village Manager's Report
- 7. Consent Agenda
 - A. Commission Meeting Minutes
 - B. Staff/Commission Items
 - C. Proclamation/Award/Village Key Requests
- 8. First Reading of Ordinances
- 9. Second Reading of Ordinances
- 10. Public Hearings
- 11. Resolutions
- 12. Discussion/ Action Items
 - A. Unfinished Business
 - B. New Business
- 13. Next meeting Item Placement
- 14. Announcements
- 15. Adjournment

8. Approval of minutes

Unless a reading of the minutes of a Village Commission meeting is requested by a member of the Commission, the minutes may be approved without reading if each member has been furnished with a copy of the minutes at least three (3) days prior to the meeting.

9. Rules of debate

A. *Presiding Officer not deprived of rights as commissioner.* The Mayor or Vice-Mayor, or such other member of the Village Commission as may be presiding, may move, second, and debate, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a commissioner by reason of his acting as the Presiding Officer.

B. *Obtaining the floor.* Every member desiring to speak shall address the Presiding Officer, shall be recognized by the Presiding Officer, and shall confine themselves to the question under debate, avoiding all personalities and indecorous language.

C. *Interruptions.* A member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or as herein otherwise provided. If a member while speaking is called to order, he or she shall cease speaking until the question of order is determined and, if in order, he or she shall be permitted to proceed.

D. *Motion to reconsider.* A motion to reconsider any action taken by the Commission may be made only on the day the action was taken or at the next meeting of the Commission whether a regular or special meeting. The motion must be made by one of the prevailing side, but may be seconded by any member and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be

debatable.

E. *Recorded remarks of commissioner.* A commissioner may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Commission entered in the minutes.

F. *Synopsis of debate.* The Village Clerk may be directed by the Presiding Officer, with consent of the Commission, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Commission.

G. *Limitation on debate.* Upon motion duly adopted by a majority of the Commission, debate on any one subject before the Commission may be limited to five (5) minutes per member of the Commission, at the expiration of which the pending question will be moved to a vote.

H. *Parliamentary procedure.* Any issue of procedure not addressed in these procedures shall be governed by the rules of procedure provided by Robert's Rules of Order, Newly Revised, in the most current edition. Unless objection thereto is made by some member of the Village Commission, the Mayor may refrain from a too rigid enforcement of such rules, to the end of expediting the transaction of business.

10. Voting; filing of reasons

A. *Roll call vote.* The Village Clerk shall call the roll commencing with the commissioners in alphabetical order, and concluded by the Mayor, provided that the Mayor has not made or seconded the motion. All commissioners shall vote "yes" or "no", or "aye" or "nay" in accordance with the provisions of state law. The records of the roll call vote shall be incorporated in the minutes of the meeting.

B. *Reasons for vote.* Upon the conclusion of any vote, any member of the Village Commission shall have the right to have the reasons for his or her vote entered upon the minutes.

11. Motion to table or adjourn

A. *Table.* A motion to table any matter then under consideration, except during a public hearing, shall always be in order and decided without debate.

B. *Adjourn.* A motion to adjourn shall always be in order and decided without debate.

12. Decorum

A. *Commission members.* While the Village Commission is in session, the members must preserve order and decorum and a member shall, neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Commission or disturb any member while speaking or refuse to obey the orders of the Mayor or Vice Mayor, except as otherwise herein provided.

B. *Disruptive behavior.* No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted.

No signs or placards shall be allowed in the Commission chamber. Persons exiting the Commission chamber shall do so quietly. No person other than the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the Presiding Officer. No questions shall be asked of a commission member, except through the Presiding Officer. The Presiding Officer or the parliamentarian may order the removal of any person interfering with the commission meeting; providing such officer has first issued a warning that continued interference of the orderly process of the meeting will result in removal.

C. *Special Presentations.* Interested parties or their authorized representatives may be placed on the agenda of a Commission Meeting for a special presentation to the Commission. Only the Mayor, Commissioners, Village Manager and Village Attorney may place a special presentation on the Commission agenda. The deadline for placing a special presentation on the agenda is ten (10) business days before the meeting at which said citizen wishes to be heard. No action may be taken by the Commission on an item heard as a citizen's presentation, unless four-fifths (4/5) of the members present deem that the issue requires immediate Commission action.

13. Public Comment /Good and welfare

Any person desiring to address the Commission shall first secure the permission of the Presiding Officer to do so.

A. *Written communications.* Interested parties, or their authorized representatives, may address the Commission by written communication in regard to matters then under discussion, a copy of which shall be provided to the Village Clerk.

B. *Oral communications.* Interested parties may speak during Open Forum on any matter concerning Village business, or any matters over which the Commission has control as provided for herein. public discussion shall be limited to three (3) minutes maximum per person; however, the Presiding Officer may authorize the extension of the aforesaid time frame, after due consideration for the substance, content, and relative importance of the subject. No person other than the Commission and the person recognized by the Presiding Officer as having the floor, shall be permitted to enter into discussion without the permission of the Presiding Officer. All questions from the public to the Commission shall be addressed through the Presiding Officer. No person, except Commission members or their representatives shall be permitted on the dais during Commission meetings, unless authorized by the Presiding Officer or a majority of the Commission.

C. *Quasi-judicial hearings.* The Village Commission shall allow parties sufficient time to present their case in quasi-judicial hearings.

14. Public hearings

Whenever a public hearing is held pursuant to the Charter or ordinance or by direction of the Village Commission, the Village Attorney shall read the title of the item on which the public hearing will be held. The Presiding Officer shall then recognize any interested persons or their authorized representatives, who may address the Commission in regard to the matter then under consideration shall be limited to three (3) minutes maximum per

person. During the public hearing there shall be no debate by the Commission, although questions may be asked of the persons making such presentation by commissioners. Upon the conclusion of the presentation of the views by the public, the Presiding Officer shall declare the public hearing closed and the Commission may take action upon the subject matter of the public hearing.

If the Commission proposes to take any type of action which was not on the published meeting agenda or added to the agenda prior to public comment, the Commission shall provide the opportunity for public comment on the issue prior to taking any action. Public comments shall be maintained at no more than three minutes per person, unless the Commission authorizes a different amount of time.

15. Maintenance of records; parliamentary

The Village Clerk shall maintain meeting minutes. The Village Attorney shall serve as parliamentary and shall advise and assist the Presiding Officer and Commission in matters of parliamentary procedure.